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THE GOODYEAR TIRE AND RUBBER COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LUIS FRANCO, individually, on behalf of
himself and all other similarly situated
employees,

Plaintiff,

v.

THE GOODYEAR TIRE AND RUBBER
COMPANY, an Ohio corporation and Does 1-5,

Defendant.

Case No. 3:22-cv-01320-CRB

**JOINT STIPULATION TO REMAND
THE CASE TO STATE COURT IN
LIGHT OF SETTLEMENT AND STAY
ALL PROCEEDINGS PENDING
REMAND; ~~PROPOSED~~ ORDER**

TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:

Plaintiff LUIS FRANCO (“Plaintiff”) and Defendant THE GOODYEAR TIRE & RUBBER COMPANY (“Defendant”) (collectively referred to as the “Parties), by and through their counsel, hereby stipulate as follows:

WHEREAS, on January 18, 2022, Plaintiff Luis Franco (“Plaintiff”) commenced a state-court action by filing a complaint in the Superior Court of California, County of Santa Clara entitled *Luis Franco, individually, on behalf of himself and all other similarly situated employees v. The Goodyear Tire & Rubber Company, an Ohio corporation, and Does 1 to 5*, designated as Case No. 22CV393403 (the “Action”).

WHEREAS, on March 1, 2022, Defendant filed its state court answer to Plaintiff’s Complaint.

WHEREAS, on March 2, 2022, Defendant filed a notice of removal of the Action pursuant to U.S.C. 28 U.S.C. § 1446(b) (Dkt. No.: 1.).

WHEREAS, on March 2, 2022, Defendant completed the removal process by filing a conformed copy of the notice of removal with the Santa Clara County Superior Court.

WHEREAS, on April 18, 2022, pursuant to the Parties’ stipulation, the Court stayed this Action, pending resolution of four related cases *Rodas*¹, *Rodas-PAGA*², *Esraelian*³, and *Esraelian-PAGA*⁴ and vacated all deadlines related to the May 31, 2022 Initial Case Management Conference. (Dkt. No.: 17.).

WHEREAS, in June 2022, Defendant reached a global settlement of all class and PAGA claims alleged in *Rodas*, *Rodas-PAGA*, *Esraelian*, and *Esraelian-PAGA*, including Plaintiff Franco’s class and PAGA claims. This global resolution contemplates the filing of a consolidated complaint in the *Franco* State Action once the matters are remanded to state courts.

¹ *Daniel Rodas v. The Goodyear Tire & Rubber Co.*, (C.D. Cal. August 4, 2021, Case No. 2:21-CV-07526 VAP).

² *Daniel Rodas v. The Goodyear Tire & Rubber Co.*, (L.A. Superior Court, Sep. 24, 2021, Case No.: 21STCV35255)

³ *Arin Esraelian v. The Goodyear Tire & Rubber Co.*, (C.D. Cal. December 8, 2021, Case No. 2:22-cv-00413-JFW-JPR;

⁴ *Arin Esraelian v. The Goodyear Tire & Rubber Co.*, (L.A. Superior Court, Jan 28, 2022, Case No.: 22STCV03534.

1 WHEREAS, the Parties agree, therefore, that in the interest of conserving judicial and party time
2 and resources, this Action should be remanded to the Santa Clara County Superior Court for settlement
3 purposes only, and in the event the settlement is not finally approved, or is terminated, cancelled, or
4 fails to become effective for any reason, the Action shall return to federal court.

5 NOW, THEREFORE, the Parties hereby stipulate as follows:

6 1. The Court should remand this action to the Santa Clara County Superior Court and stay
7 all proceedings pending the settlement approval.

8 2. In the event the settlement is not finally approved, or is terminated, cancelled, or fails
9 to become effective for any reason, the Action shall return to federal court.

10 **IT IS SO STIPULATED.**

11 Dated: September 19, 2022

LITTLER MENDELSON, P.C.

14 /s/ Sarah E. Ross (w/ permission)

15 Sarah E. Ross
16 Alexandra Bernstein
17 Attorneys for Defendant
18 THE GOODYEAR TIRE AND RUBBER
19 COMPANY

20 Dated: September 19, 2022

21 

22 Alexei Kuchinsky
23 KUCHINSKY LAW OFFICE, P.C.
24 Attorney for Plaintiff and the Proposed Class
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~~[PROPOSED]~~ ORDER

Having read and considered the Parties' Joint Stipulation to Remand this Action to the Santa Clara County Superior Court and good cause hereby appearing therefore, the Court hereby approves the Parties' stipulation and orders:

1. The above-captioned action, *Franco v. The Goodyear Tire & Rubber Company*, shall be remanded to the Santa Clara County Superior Court;
2. That all proceedings in this matter are stayed pending the settlement approval; and
3. That all deadlines shall be vacated.
4. In the event the proposed global settlement is not finally approved, or is terminated, cancelled, or fails to become effective for any reason, the Action shall return to federal court.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: September 23, 2022


HON. CHARLES R. BREYER
United States District Court Judge